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REMARKS

The Office Action dated October 10, 2007 has been received and reviewed. This response, submitted along with a Three-Month Extension of time, is directed to that action.

Claims 1, 3 and 6 have been amended to correct certain grammatical errors. The scope of the claims has not been limited by the present amendments, and no new matter has been added.

The applicants respectfully requests reconsideration based on the foregoing remarks.

Claim Rejections – 35 U.S.C. §102

The Examiner rejected claims 1-5, 8-10 and 2 under 35 U.S.C. §102(b) as anticipated by Rodd et al. (US 6,581,800). The Examiner stated that Rodd et al. teaches all of the limitations of the presently claimed invention. The applicants respectfully traverse this rejection.

The presently claimed invention is directed to a device having especially, (1) a means for opening a compartment and for ejecting a dose therefrom; and (2) a means of allowing access of which liquor to the dose contained in the opened compartment. This configuration provides for a two-step release of a detergent composition. Namely, the compartment containing the detergent composition can be opened and the detergent can be ejected from the compartment without the detergent necessarily being exposed into contact with the wash liquor.

Rodd, on the other hand completely fails to teach separate opening means and

access means. The separate open/release and exposure are simply not possible in the device of Rodd. The applicants particularly note that the construction of a device according to the presently claimed invention allows for a very different operation and, such as, effect when compared to a device with a combination opening and access means according to Rodd. Accordingly, Rodd fails to teach all of the limitations of the presently claimed invention, and a prima facie case of anticipation cannot be established. The applicants therefore request that these be rejections be withdrawn.

Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 6, 7 and 11 under 35 U.S.C. §103(a) as obvious over Rodd et al. in view of WO01/2557 or Germany 10114256. The applicants respectfully submit that this rejection is improper under 35 U.S.C. §103(c).

Rodd et al. is prior art over the present application under 35 U.S.C. §102(e) because Rodd's publication date (June 24, 2003) is later than the filing date of the present application (March 5, 2003). Moreover, both Rodd and the present application are owned by the same entity (i.e. Reckitt Benckiser, N.V.). Thus, 35 U.S.C. §103(c) states that patentability shall not be precluded under §103 when the prior art qualifies under §102(e) and is owned by or subject to an obligation of assignment to the same person/entity. Accordingly, the present rejection is improper, and the applicant respectfully request that the Examiner withdraw the rejection.

The applicants additionally note that Ridd's corresponding US published application, US 2002/0108969, published after the priority date of the present application. Therefore, even that reference is prior art under §102(e).

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The applicants believe the claims are in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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By



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